

Petition for Writ of Mandamus

United States District Court for the
SOUTHERN DISTRICT OF NEW YORK

**Victor MANUEL Perez Prez,
Petitioner**

v.

**NEW YORK STATE DEPARTMENT OF
TRANSPORTATION, NEW YORK
STATE DEPARTMENT OF MOTORS
VEHICLE, COMMISSIONER OF THE
DEPARTMENT OF NYS DMV, NEW
YORK STATE DRIVING
IMPROVEMENT UNIT, UNITED
STATE OF JUSTICE,
UNITED STATE OF
HOUSELAND**

**SECURITY, UNITED STATE
CITIZENSHIP AND
IMMIGRATION SERVICES,
UNITED STATES
DEPARTMENT OF
TRANSPORTATION,
STATE OF NEW JERSEY,
STATE OF NEW JERSEY
DEPARTMENT OF MOTOR
VEHICLES, NYC CRIMINAL
COURT IN QUEENS,
SADLE RIVER MUNICIPAL
COURT, ET. AL.**

Respondents,

Case No.: to be assigned

**Petition for Writ of
Mandamus,
AND**

**PETITION OF WRIT
OF PROHIBITION**

Introduction

1. Petitioner, VICTOR MANUEL PEREZ PEREZ, respectfully petitions this Court for a writ of mandamus and a writ of prohibition to compel the adjudication of his COMMERCIAL DRIVER LICENSE CLASS A and the GREEN CARD TO BE LAWFULL RESIDENT OF USA. This petitions

are based on the U.S. citizenship of his mother and seeks to address the undue delay in processing his application, and affecting the privilege of having the COMMERCIAL DRIVER LICENSE the which has resulted in a violation of his constitutional rights OF DUE PROCESS AND EQUAL PROTECTION.

Jurisdiction and Venue

2. This Court has jurisdiction over this matter pursuant to 28 U.S.C. § 1361, which grants district courts original jurisdiction of any action in the nature of mandamus and prohibition to compel an officer or employee of the United States or any agency thereof to perform a duty owed to the petitioner.

3. Venue is proper in this district under 28 U.S.C. § 1331(e) because the respondent is an officer or employee of the United States acting in his or her official capacity, and a substantial part of the events or omissions giving rise to the claim occurred in this district.

Parties

4. Petitioner, Victor Manuel Perez Perez, is a resident of THE BRONX NEW YORK CITY in the New York State the son of a U.S. citizen.

5. Respondents, are responsible for the adjudication of immigration applications, including green card applications and the Commercial Driver License Class A in the State of New York

Factual Background

- 6. VICTOR MANUEL PEREZ PEREZ is the son of a U.S. citizen, which entitles him to certain immigration benefits, including the opportunity to apply for a green card, AND TO GETTING THE NEW YORK STATE COMMERCIAL DRIVER LICENSE CLASS A WITHOUT DELAY.**
- 7. In 2018, Mr. Perez sought cancellation of deportation and adjustment of status. However, he received ineffective assistance of counsel, which adversely affected the outcome of his case and affecting the right to obtain the Commercial Driver License Class A**
- 8. Mr. Perez has a criminal and driving records that includes two**

convictions for driving while intoxicated (DWI) and numerous traffic tickets. Despite these issues, Mr. Perez has demonstrated significant rehabilitation and has taken steps to address his past conduct.

9. The delay in adjudicating

Mr. Perez's green card application has caused undue hardship and constitutes a violation of his constitutional rights, including his right to due process.

Legal Argument

Violation of Constitutional Rights

10. The prolonged delay in adjudicating Mr. Perez's application violates his Fifth Amendment right to due process.

The government has a duty to process immigration applications within a reasonable time frame, and the failure to do so in this case is arbitrary and capricious.

Ineffective Assistance of Counsel

11. Mr. Perez's 2018 case was adversely affected by ineffective assistance of counsel, which is a recognized ground for relief in immigration proceedings. The failure of his previous counsel to competently represent him should not preclude the adjudication of his current application.

Consideration of Criminal Record

12. While Mr. Perez has a criminal record, he has shown significant rehabilitation efforts, including

Legal precedents support the consideration of mitigating factors in immigration cases, and Mr. Perez's positive contributions to his community should be weighed in his favor.

Conclusion

13. For the foregoing reasons, Petitioner Victor M. Perez respectfully requests that this Court issue a writ of mandamus compelling the respondent to adjudicate his green card application without further delay.

Prayer for Relief

WHEREFORE, Petitioner prays that this Court:

A. Issue a writ of mandamus and writ of prohibition compelling the

respondent to adjudicate Mr. Perez's green card application forthwith;

B. Grant such other and further relief as the Court deems just and proper.

Dated: April 11, 2025

Respectfully submitted,

Petitioner

Victor M. Perez

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